

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

1LT EHREN K. WATADA,

Petitioner,

vs.

LT. COL. JOHN HEAD, Military Judge,  
Army Trial Judiciary, fourth Judicial  
District; LT. GEN. CHARLES JACOBY,  
Convening Authority, Ft. Lewis,  
Washington;

Respondents.

NO. C07-5549 BHS

**STIPULATION FOR ORDER  
EXTENDING PETITIONER'S  
TIME TO FILE REPLY TO  
GOVERNMENT'S RESPONSE TO  
SECOND AMENDED PETITION  
FOR WRIT OF HABEAS CORPUS;  
ORDER THEREON**

WHEREAS Petitioner, pursuant to a Scheduling Order entered herein on May 22, 2008 (Dkt. 23), is required to file his Reply to the Government's Response to Petitioner's Second Amended Petition for Writ of Habeas Corpus on or before Thursday, September 4, 2008; and

STIPULATION FOR ORDER EXTENDING  
RESPONDENTS' TIME TO FILE RESPONSE TO  
SECOND AMENDED PETITION FOR WRIT OF  
HABEAS CORPUS; ORDER THEREON – 1

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1 WHEREAS, on August 11, 2008, this Court previously extended the time for the  
2 Government to file its Response to Petitioner's Second Amended Petition for Writ of  
3 Habeas Corpus from August 11, 2008 to August 19, 2008 (Dkt. 28);

4 WHEREAS, on August 15, 2008, this Court then granted leave to the Government  
5 to file a Response that exceeded the applicable page limit from 24 to 38 pages (Dkt. 31);

6 WHEREAS, the Government's overlength Response raised issues that had never  
7 previously been briefed by either party in these proceedings, and expanded the scope of  
8 this Court's review;

9 WHEREAS, Petitioner's counsel, James E. Lobsenz, will be out of the office and  
10 out of state for the entire week of September 1, 2008, and co-counsel, Kenneth S. Kagan,  
11 will be out of the office and out of state on September 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup>;

12 WHEREAS, for these reasons, Petitioner is in need of an extension of time until  
13 Tuesday, September 16, 2008, to file his Reply to the Government's Response to the  
14 Second Amended Petition; and

15 WHEREAS, the Respondents do not object to this request;

16 NOW THEREFORE the parties, through their respective attorneys of record, do  
17 hereby stipulate and agree that the Court may make and enter an Order extending the time  
18 within which Petitioner must file his Reply to the Government's Response to Petitioner's  
19 Second Amended Petition for Writ of Habeas Corpus to Tuesday, September 16, 2008.  
20

21 SO STIPULATED.

STIPULATION FOR ORDER EXTENDING  
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HABEAS CORPUS; ORDER THEREON – 2

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1 DATED this 28<sup>th</sup> day of August, 2008.

2  
3 s/ Kenneth S. Kagan

4 Kenneth S. Kagan, WSBA No. 12983  
5 James E. Lobsenz, WSBA No. 8787  
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13 Attorneys for Petitioner

14 JEFFREY C. SULLIVAN  
15 United States Attorney

16 s/ Brian C. Kipnis

17 BRIAN C. KIPNIS  
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Attorneys for Respondents

STIPULATION FOR ORDER EXTENDING  
RESPONDENTS' TIME TO FILE RESPONSE TO  
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HABEAS CORPUS; ORDER THEREON – 3

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on August 28, 2008, I electronically filed the foregoing with  
3 the Clerk of the Court using the CM/ECF system.

4 s/ Kenneth S. Kagan

5 Kenneth S. Kagan

6 WSBA No. 12983

7 Attorneys for Petitioner

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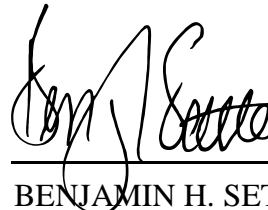
12 Facsimile: (206) 622-8983

13 kagan@carneylaw.com

14 **ORDER**

15 IT IS SO ORDERED.

16 DATED this 28<sup>th</sup> day of August, 2008.

17 

18 BENJAMIN H. SETTLE

19 United States District Judge

20 STIPULATION FOR ORDER EXTENDING  
21 RESPONDENTS' TIME TO FILE RESPONSE TO  
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